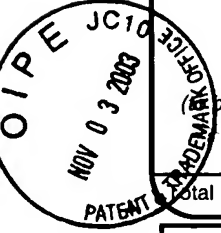



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# TRANSMITTAL FORM

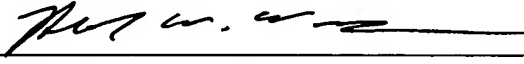
(To be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> (To be used for all correspondence after initial filing)		<b>Application Number</b>	10/612,515
		<b>Filing Date</b>	July 2, 2003
		<b>First Named Inventor</b>	Kevin T. Stone et al.
		<b>Group Art Unit</b>	To Be Assigned
		<b>Examiner Name</b>	To Be Assigned
<b>Total Number of Pages in This Submission</b>		<b>Attorney Docket Number</b>	5490-000335

## ENCLOSURES (check all that apply)


<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>Return Postcard; Form 1449 (5 Pages) with cited references (8 Foreign, 1 Other)</b>
<b>Remarks</b> The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name	Richard W. Warner	Reg. No.	38,043
Signature					
Date	Oct. 31, 2003				

## CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date indicated below.

Typed or printed name	Richard W. Warner		
Signature		Date	Oct. 31, 2003



**PATENT**

Application No.: 10/612,515  
Filing Date: July 2, 2003  
Applicant: Kevin T. Stone et al.  
Group Art Unit: To Be Assigned  
Examiner: To Be Assigned  
Title: METHOD AND APPARATUS FOR SUTURE ANCHORS  
WITH A VERTICAL EYELET  
Attorney Docket: 5490-000335

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Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION

The patents, publications and other information requested to be considered by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. COPIES

A. X Submitted herewith is a legible copy of (i) each U.S. patent application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cited pending U.S. application, the application specification including the claims, and any drawing of the application which caused it to be listed including the claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.

B. \_\_\_\_ Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

U.S. Filing Date

C. X Because the present application was/is being filed after June 30, 2003, no copies of the U.S. patents or U.S. patent application publications which are listed on the attached Form 1449 are enclosed pursuant to the waiver of 37 C.F.R. § 1.98(a)(2)(i). Any foreign patent documents or non-patent literature listed on the attached Form 1449 are enclosed herewith.

D. \_\_\_\_ This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search Report are listed on the attached Form-1449 for consideration by the Examiner and for listing on any patent resulting from this application. Since the International Search Report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g))

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A. X Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B. \_\_\_\_ A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

1. \_\_\_\_ See the attached foreign patent office communication from a counterpart foreign application:
2. \_\_\_\_ English translations are provided:
3. \_\_\_\_ Other:

C. \_\_\_\_ The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

A. \_\_\_\_ The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. § 122.

Serial No.

Filing Date

Art Unit

V. THIS IDS IS BEING FILED UNDER

A. X 37 C.F.R. § 1.97(b): (check only one box)

1. \_\_\_\_ within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.

2. \_\_\_\_ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.

3. X before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

4. \_\_\_\_ before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

B. \_\_\_\_ 37 C.F.R. § 1.97(c): (check only one box)

- before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1. \_\_\_\_ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

2. \_\_\_\_ See the certification below. No fee is required.

C. \_\_\_\_ 37 C.F.R. § 1.97(d):

- after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1. \_\_\_\_ See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)

The undersigned hereby certifies that:

A. \_\_\_\_ each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. §

1.97(e)(1)). See further statement under 37 C.F. R. 1.704(d) below in section VII, if applicable; or

B. \_\_\_ no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).

C. \_\_\_ Some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. STATEMENT UNDER 37 CFR 1.704(d)

The undersigned hereby states that:

\_\_\_ each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. 1.56(c) more than thirty days prior to the filing of this IDS.

VIII. PAYMENT OF FEES (check only one box)

A. \_\_\_ A check in the amount of \$180.00 is enclosed for the above-identified fee.

B. \_\_\_ Please charge Deposit Account No. 08-0750 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

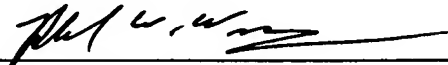
The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 08-0750.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 08-0750.

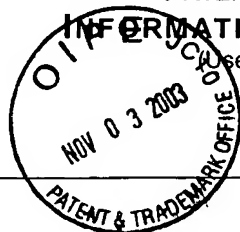
Respectfully submitted,

Dated: Oct 31, 2003

By:   
Richard W. Warner  
Reg. No. 38,043

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

<p style="text-align: center;">FORM HDP-1449 (Based on Form PTO-1449)</p> <p style="text-align: center;"><b>PATENT AND TRADEMARK OFFICE</b></p> <p style="text-align: center;"><b>INFORMATION DISCLOSURE CITATION</b></p> <p style="text-align: center;">(Use several sheets if necessary)</p> <p style="text-align: center;">Sheet 1 of 5</p>	ATTORNEY DOCKET No.	SERIAL No.
	5490-000335	10/612,515
	APPLICANT	
	Kevin T. Stone et al.	
	FILING DATE	GROUP
	July 2, 2003	To Be Assigned

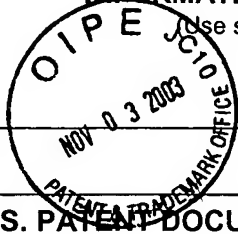


U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
1.		2002/0161401	10/31/2002	Steiner		
2.		2002/0147463	10/10/2002	Martinek		
3.		2002/0120292 A1	08/29/2002	Morgan		
4.		2001/0037131 A1	11/01/2001	Schmieding et al.		
5.		838,203	12/11/1906	J. Neil		
6.		2,121,193	06/21/1938	P. G. E. Hanicke		
7.		2,268,755	01/06/1942	S. F. Li		
8.		2,329,398	09/14/1943	B. A. Duffy		
9.		3,003,155	10/10/1961	F. C. Mielzynski et al.		
10.		3,845,772	11/05/1974	Smith		
11.		4,275,717	06/30/1981	Bolesky		
12.		4,409,974	10/18/1983	Freedland		
13.		4,454,875	06/19/1984	Pratt et al.		
14.		4,496,468	01/29/1985	House et al.		
15.		4,532,926	08/06/1985	O'Holla		
16.		4,632,100	12/30/1986	Somers et al.		
17.		4,653,486	03/31/1987	Coker		
18.		4,669,473	06/02/1987	Richards et al.		
19.		4,738,255	04/19/1988	Goble et al.		
20.		4,741,330	05/03/1988	Hayhurst		
21.		4,776,328	10/11/1988	Frey et al.		

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>FORM HDP-1449 (Based on Form PTO-1449)</b>  <b>PATENT AND TRADEMARK OFFICE</b> <b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)  Sheet 2 of 5	ATTORNEY DOCKET NO.	SERIAL NO.
	5490-000335	10/612,515
	APPLICANT	
	Kevin T. Stone et al.	
	FILING DATE	GROUP
	July 2, 2003	To Be Assigned



U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
22.		4,895,148	01/23/1990	Bays et al.		
23.		4,946,468	08/07/1990	Li		
24.		4,968,315	11/06/1990	Gattorna		
25.		5,002,550	03/26/1991	Li		
26.		5,019,080	05/28/1991	Hemer		
27.		5,037,422	08/06/1991	Hayhurst et al.		
28.		5,100,417	03/31/1992	Cerier et al.		
29.		5,127,785	07/07/1992	Faucher		
30.		5,156,616	10/20/1992	Meadows et al.		
31.		5,176,682	1/1993	Chow		
32.		5,207,679	05/04/1993	Li		
33.		5,258,016	11/02/1993	DiPoto et al.		
34.		5,417,712	05/23/1995	Whittaker et al.		
35.		5,423,860	06/13/1995	Lizardi et al.		
36.		5,472,452	12/05/1995	Trott		
37.		5,522,845	06/04/1996	Wenstrom, Jr.		
38.		5,524,946	06/11/1996	Thompson		
39.		5,527,342	6/1996	Pietrzak et al.		
40.		5,573,548	11/12/1996	Nazre et al.		
41.		5,573,548	11/1996	Nazre et al.		

Examiner:	Date Considered:
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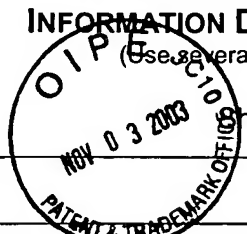
EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



FORM HDP-1449 (Based on Form PTO-1449)

**PATENT AND TRADEMARK OFFICE  
INFORMATION DISCLOSURE CITATION**

(Use several sheets if necessary)



Sheet 3 of 5

ATTORNEY DOCKET NO.

5490-000335

SERIAL NO.

10/612,515

APPLICANT

Kevin T. Stone et al.

FILING DATE

July 2, 2003

GROUP

To Be Assigned

**U.S. PATENT DOCUMENTS**

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
42.		5,584,695	12/17/1996	Lal Sachdeva et al.		
43.		5,584,835	12/17/1996	Greenfield		
44.		5,593,425	01/14/1997	Bonutti et al.		
45.		5,601,557	02/11/1997	Hayhurst		
46.		5,643,320	07/01/1997	Lower et al.		
47.		5,681,352	10/28/1997	Clancy, III et al.		
48.		5,681,352	10/28/1997	Clancy, III et al.		
49.		5,690,676	11/25/1997	DiPoto et al.		
50.		5,733,307	03/31/1998	Dinsdale		
51.		5,814,070	09/29/1998	Borzone et al.		
52.		5,851,219	12/22/1998	Goble et al.		
53.		5,868,789	02/09/1999	Huebner		
54.		5,885,294	03/23/1999	Pedlick et al.		
55.		5,911,721	06/15/1999	Nicholson et al.		
56.		5,957,953	09/28/1999	DiPoto et al.		
57.		5,968,044	10/19/1999	Nicholson et al.		
58.		6,045,573	04/04/2000	Wenstrom, Jr. et al.		
59.		6,059,785	05/09/2000	Schavan et al.		
60.		6,117,162	09/12/2000	Schmieding et al.		
61.		6,139,565	10/31/2000	Stone et al.		

Examiner:

Date Considered:

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>FORM HDP-1449 (Based on Form PTO-1449)</b>  <b>PATENT AND TRADEMARK OFFICE</b> <b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)  Sheet 4 of 5	ATTORNEY DOCKET NO.	SERIAL NO.
	5490-000335	10/612,515
	APPLICANT	
	Kevin T. Stone et al.	
	FILING DATE	GROUP
	July 2, 2003	To Be Assigned



U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
62.		6,168,598	01/02/2001	Martello		
63.		6,231,606	05/15/2001	Graf et al.		
64.		6,264,677	07/24/2001	Simon et al.		
65.		6,355,043	03/12/2002	Adam		
66.		6,436,124	08/20/2002	Anderson et al.		
67.		6,508,830	01/21/2003	Steiner		
68.		6,517,542	02/11/2003	Papay et al.		
69.		6,524,316	02/25/2003	Nicholson et al.		

FOREIGN PATENT DOCUMENTS							
Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes	No
1.		WO 93/14705	08/05/1993	WIPO			
2.		WO 89/10096	11/02/1989	WIPO			
3.		WO 86/03666	07/03/1986	WIPO		Abstract	
4.		WO 89/01767	03/09/1989	WIPO			
5.		GB 2 118 474 A	03/22/1983	UK			
6.		FR 2 606 270 A1	11/07/1986	France		Abstract	
7.		0 260 970 A2	03/23/88	EPO			
8.		0260970 B1	07/95	EPO			

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>FORM HDP-1449 (Based on Form PTO-1449)</b>  <b>PATENT AND TRADEMARK OFFICE</b> <b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)  Sheet 5 of 5	ATTORNEY DOCKET NO.	SERIAL No.
	5490-000335	10/612,515
	APPLICANT	
	Kevin T. Stone et al.	
	FILING DATE	GROUP
	July 2, 2003	To Be Assigned



OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)		
Ref. Desig.	Examiner's Initials	
1.		ID Innovasive Devices, Inc., D-D-sorb Suture Anchor System, A subsidiary of the United States Surgical Corporation, 1997, 7 Pages

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.